

Certification of Residence for Individuals, Partnerships, Companies and Funds

Part 35-01-05

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A. Certification of Residence for Individuals, Partnerships and Companies

Persons (individuals, partnerships, and companies) resident in the State for tax purposes may be in receipt of income from another jurisdiction.

As the extent of the tax charging provisions and tax relieving provisions on a person's liability to tax in respect of income and/or assets may, in many foreign jurisdictions, depend on the tax residence position (i.e. resident or non-resident) of that person, such foreign jurisdictions often require Irish resident persons to obtain certification or clarification from Revenue that they are resident in the State for tax purposes for a relevant tax year.

In general, such certification is requested where a claim is made to the tax authorities in a foreign jurisdiction by an Irish resident person seeking, for example, either exemption from tax or a reduced rate of withholding tax in that jurisdiction under the terms of a double taxation agreement.

In some instances, the foreign jurisdiction provides a form to be completed by the Irish resident person which is to be stamped and signed by Revenue.

Alternatively, Revenue may be requested by the Irish resident person to issue a letter of residence for transmission by the taxpayer to the foreign jurisdiction. Such letters (templates set out in Appendices are certification of a person's Irish residency for the purposes of residency as defined in Ireland's Double Taxation Agreements) or requests for certification (form/letter) are dealt with by the appropriate Revenue district dealing with the person's tax affairs. That district must be satisfied that the individual or company is resident (or in the case of partnerships, the individual partners are resident) in Ireland for tax purposes for the year in question before certifying the residence position.

From 1 January 2018, all Letters of Residence for Individuals, Partnerships, Companies and Funds, will be issued by the Office of the Revenue Commissioners in pdf format. All Letters of Residence will be issued via MyEnquiries, which is available in myAccount or ROS. Further details on these online services including how to register for ROS or myAccount is available on the Revenue website.

In order to safeguard the data and confidentiality of taxpayer information, a Letter of Residence will only issue to an agent where the agent is authorised to act on behalf of that taxpayer.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

Some countries insist in the case of individuals that when a letter of residence is to be issued by the Revenue District dealing with the individual's tax affairs that the letter should contain the following information:

- Individual is registered for tax in Ireland
- Employment record in Ireland
- Details of income tax returns filed if applicable
- Confirmation if possible that individual is resident for tax in Ireland for the period under enquiry
 - Signature of the authorising officer
 - District stamp and date

B. Certification of Residence for Funds (in accordance with Sections 731, 738 and 739B of the Taxes Consolidation Act 1997)

Requests for certification of residence for the Funds referred to above should be directed to Revenue's Large Cases Division via MyEnquiries to the email address lcdcertainates@revenue.ie.

In order to safeguard the data and confidentiality of taxpayer information, a Letter of Residence will only issue to an agent where the agent is authorised to act on behalf of that taxpayer.

The following material is either exempt from or not required to be published under the Freedom of Information Act 2014.

[...]

Appendix 1: Letter of Residence for an Individual

Address Line 1
Address Line 2
Address Line 3
Address Line 4

dd/mm/yyyy

Ref: *(Insert Tax Registration Number)*

Re: *(Insert Individual's Name)*

Certificate of Tax Residence for Tax Year 20yy**Certification of Residence under Article x of the Ireland/? Double Taxation Convention**

Dear Sir/Madam,

According to my records (name of taxpayer) has been registered for tax in Ireland since (dd/mm/yyyy).

S/he has been in employment in Ireland (give details of name of employer and dates of employment).

S/he has filed income tax returns in Ireland for the tax year(s) ended 31 December, (year).

I can confirm based on the information available to me that (name of taxpayer) is tax resident in Ireland for the tax year(s) ended 31 December, (year) in accordance with Article (x) of the Ireland/(x) Double Taxation Convention.

Yours faithfully,

(Insert District Stamp)

XXXXXXX

Signature of District Inspector/Authorised Officer

Appendix 2: Letter of Residence for a Partnership

dd/mm/yyyy

Ref: *(Insert Tax Registration Number)*

Re: *(Insert Partnership Name)*

Certificate of Tax Residence for Tax Year 20yy

Dear Sir/Madam,

I have been requested to provide a certificate of residency for the above partnership. A partnership as such is not taxable in this State. The partners are taxable on their share of the profits of the partnership's business.

I certify, based on the information available to me, that the partners in the partnership [**Insert name of partnership**] that are listed below are resident for tax purposes in the Republic of Ireland for the fiscal year 20yy.

[Insert list of partners]

(Insert District Stamp)

Yours faithfully,

XXXXXXXXXX

Signature of District Inspector/Authorised Officer

Appendix 3: Letter of Residence for a Company

dd/mm/yyyy

Ref: *(Insert Tax Registration Number)*Re: *(Insert Company Name)***Certification of Tax Residence for Tax Year 20yy**

Dear Sir/Madam,

For the purposes of the tax treaties listed below, I confirm that the above named company is registered for corporation tax in Ireland and files its corporation tax returns, for the year stated above, on the basis that it is resident for tax purposes in Ireland. The company is therefore liable to Irish corporation tax on all of its profits wherever arising, for the said year.

(Insert District Stamp)

Yours faithfully,

XXXXXXXX

Signature of District Inspector/Authorised Officer

Ireland has signed Double Taxation Agreements / Treaties with the following countries:

Albania, Armenia, Australia, Austria, Bahrain, Belarus, Belgium, Bosnia & Herzegovina, Botswana, Bulgaria, Canada, Chile, China, Croatia, Cyprus, Czech Republic, Denmark, Egypt, Estonia, Ethiopia, Finland, France, Georgia, Germany, Greece, Hong Kong, Hungary, Iceland, India, Israel, Italy, Japan, Kazakhstan, The Republic of Korea, Kuwait, Latvia, Lithuania, Luxemburg, Macedonia, Malaysia, Malta, Mexico, Moldova, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Pakistan, Panama, Poland, Portugal, Qatar, Romania, Russia, Saudi Arabia, Serbia, Singapore, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Thailand, Turkey, UAE, Ukraine, United Kingdom, USA, Uzbekistan, Vietnam, Zambia.

Appendix 4: Letter of Residence for a Funds case (in accordance with Sections 731, 738 and 739B of the Taxes Consolidation Act 1997)

dd/mm/yyyy

Ref: *(Insert Tax Registration Number)*

Re: *(Insert Fund Name)*

Certificate of Tax Residence for Tax Year 20yy

Ireland/XXXXX Double Taxation Agreement

Dear Sir/Madam,

The above named is an investment undertaking, which, under Irish law is regarded as resident in Ireland for Tax purposes and thereby subject to Irish tax legislation. An Investment Undertaking is required to account for Irish tax in respect of its profits and gain, other than those profits and gains, which relate to shareholders/unit holders who are neither resident nor ordinarily resident in Ireland, where such shareholders/unit holders make approved declarations to that effect.

Yours faithfully,

(Insert District Stamp)

XXXXXXX

Signature of District Inspector/Authorised Officer
